

United States Small Business Administration as  
Receiver for Coqui Capital Partners, LP  
409 3<sup>rd</sup> Street, SW  
Washington, DC 20416

April 29, 2008

VIA FACSIMILE

The Honorable Laura Taylor Swain  
U.S. District Court Judge  
United States District Court  
for the Southern District of New York  
500 Pearl Street, Room 755  
New York, New York 10007

**MEMO ENDORSED**

Re: Request for Adjournment of Pre-Trial Conference Date and Preliminary  
Pre-Trial Statement Pending a Decision on Defendant's Motion to  
Dismiss and Compel Arbitration

Civil Case No. 08 Civ 978 (LTS)  
U.S. Small Business Administration as Receiver for Coqui  
Capital Partners, LP v. Coqui Capital Management, LLC et. al.

Dear Judge Swain:

The undersigned are the attorneys representing the Plaintiff, defendant Michael Grisanti and the Defendants, as listed in the attached Exhibit A, in the above-referenced matter. By Order dated February 6, 2008 (Docket No. 2), this Court ordered, among other things, that the parties attend a pre-trial conference on Friday, May 9, 2008 at 2:15pm, which conference was, upon Plaintiff's request, re-scheduled by this Court for May 23, 2008 at 10:00am. (Docket No. 6).

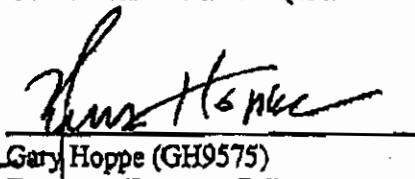
Through this letter, the parties are jointly requesting that this Court adjourn the date of the pre-trial conference and the preliminary pre-trial statement in light of the pending Motion to Dismiss and Compel Arbitration filed by the Defendants. Plaintiff's Opposition to the Motion is due May 6, 2008 and the Defendant's Reply is due May 23, 2008, the same day as the pre-trial conference. In light of the pending motion, the parties believe that it is in the best interest of the parties, as well as that of the Court, to adjourn

the pre-trial conference and submission of the preliminary pre-trial statement until Defendants' motion has been decided. Thank you for your consideration of this request.

Respectfully yours,

  
Arlene M. Embrey (AE9718)  
Counsel for Plaintiff,  
U.S. Small Business Administration as  
Receiver for Coqui Capital Partners, LP

  
Nia J.C. Castello  
Pryor Cashman LLP  
Counsel for Defendants (as listed in Exhibit A)

  
Gary Hoppe (GH9575)  
Twomey, Hoppe & Gallanty LLP  
Counsel for defendant Michael Grisanti

The conference is adjourned  
to September 19, 2008, at  
10:30 AM.

SO ORDERED.

  
Laura Taylor Swain  
UNITED STATES DISTRICT JUDGE  
4/30/08

## EXHIBIT A

Coqui Capital Management, LLC  
Isaac Kier  
Jeffrey Davidson  
Jeffrey Koffman  
Allison Koffman  
Martin Bandier  
Louis Buck  
Chazen Capital Partners  
Lawrence Coben  
Arthur Davidson  
Donna Davidson  
Rick Davidson  
Michael Delikat  
S. Mark Erenstein  
Roger Gladstone  
Gabriel Golan  
Richard Goldberg  
Lynda Goldschein  
Michael Hard  
IRM Associates  
Ellen Sue Kier  
Efraim Kier  
Sara Kier  
Ralph Kier  
David Koffman  
Burton Koffman  
Ruthanne Koffman  
Ron Kramer  
Michael Kubin  
David Layton  
LK2ST Limited  
Albert Lyons  
Marlin Equities, LLC  
Sylvia Maslow  
Eric Osserman  
Plafaky Family Trust  
Frederick Poses  
Schuyler Associates, LP  
Albert Schwartz

Joel Siegel  
Baron Silverstein  
Neil Silverstein  
Sunbelt Beverage Company, LLC  
Tech Aerofoam, Inc.  
The Stella and Albert Schwartz 1994  
Grandchildren's Trust  
Kenneth Tuchman  
Vestal Venture Capital  
Jeffrey Wilkes  
Kevin Wolf